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NOV 4 1996



97-EAP-053

Mr. Gerald Pollet
Heart of America Northwest
1305 Fourth Avenue, Suite 208
Seattle, Washington 98101

Dear Mr. Pollet:

HANFORD STRATEGIC PLAN, DRAFT HANFORD REMEDIAL ACTION EIS AND COMPREHENSIVE
LAND USE PLAN

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Thank you for your letter dated September 26, 1996, from Heart of America Northwest, and your letter dated October 1, 1996, written on behalf of several Hanford Public Interest Network groups. Since both letters cover similar topics, this response will address the concerns you expressed in both letters.

Allegations in the letters rely, in large part, on pre-decisional drafts of documents, and inaccurate representations of the NEPA/CERCLA decision process. This has resulted in conclusions that are not valid, and concerns which we believe are not well placed.

At the U.S. Department of Energy (DOE), we have been moving toward earlier and earlier tribal, public, and regulatory involvement in our planning and decision making processes so that we can share information and receive valuable input and recommendations during the formative stages of our planning and decision making. To accomplish this, we have been releasing very early drafts of planning guidance and pre-decisional analysis, quite often before this material has been seen or reviewed by DOE management. This means that the material released may not be accurate and fully verified and, therefore, may be inconsistent with other documents and may not reflect the final position of DOE. At this time, we believe that it is preferable to have such open involvement in the DOE planning and decision processes. Those who receive such early draft documents should recognize that they are by nature incomplete, unreviewed to a large extent, and potentially contradictory.

In general terms, decision-related actions by DOE should be viewed in three major categories: as parts of the "planning process," the "decision process," and decision implementation.

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The "planning process" involves such areas for activities and documentation as:

- blue sky thinking
- strategic thinking
- planning alternatives development
- preliminary engineering
- preliminary alternative analysis
- field activities to do investigation and characterization to support analysis
- budget activities and funding to cover "planning activities"

The "decision process" involves such activities as:

- analysis of the results from the "planning process"
- formal National Environmental Policy Act (NEPA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Resource Conservation and Recovery Act (RCRA) decisions as appropriate where NEPA and CERCLA decisions are documented in Records of Decision (RODs), Findings of No Significant Impact, and Action Memorandum
- budget activities and funding to cover the "decision process" and the implementation of decisions after they are completed

The decision implementation involves:

- final engineering
- field activities to carry out the decision

In general, NEPA regulations prohibit DOE from taking any major federal action that would have an adverse environmental impact or prejudice the final decision in a NEPA ROD before the ROD is approved. The CERCLA process, as followed by DOE, includes consideration of NEPA values so that a CERCLA ROD is sufficient authority to implement a decision without a parallel NEPA process and NEPA ROD. The NEPA and CERCLA requirements allow the "planning process" as described above to be performed prior to entering a formal decision process.

The DOE Hanford Strategic Plan, the Mission Direction Document, and the Ten-Year Plan are all planning documents. They provide guidance and direction for planning and analysis that is not yet covered by NEPA or CERCLA documents. This is "planning process" work and, as such, does not need advance NEPA decisions, but instead shows where NEPA/CERCLA decision processes will be needed. The resultant NEPA/CERCLA RODs and Tri-Party Agreement (TPA) commitments take precedence over, and will cause changes and adjustments to be made to, the Hanford Strategic Plan, Mission Direction Document, the Ten-Year Plan, or other planning process documents.

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The HRA EIS is not intended to direct cleanup or set cleanup standards, rather its purpose is:

1. To analyze potential land use opportunities and constraints to develop a comprehensive land use plan for the Hanford Site under the applicable federal legal and policy requirements;
2. To analyze the impacts of completed, ongoing and potential remedial action alternatives across the Hanford Site and the associated potential commitment of natural resources, as would be needed to support the environmental restoration program and comprehensive land use plan.

The decisions DOE intends to make in the HRA EIS Record of Decision are:

1. To adopt a comprehensive land use plan to provide a sound planning basis to guide DOE's management of the lands while under DOE's ownership and control, consistent with DOE's missions for the Hanford Site;
2. To select among alternative for the commitment of resources needed to implement cleanup decisions for the major Hanford Site areas identified in the Final HRA EIS.

The letters also discuss the Future Site Uses Working Group (FSUWG). The FSUWG was not a NEPA decision-making process and did not adopt or recommend a single land use plan or designation for the various major parts of the Hanford Site. The FSUWG was a part of the scoping process which developed a range of alternative visions to be addressed in the NEPA decision making process. DOE utilized the FSUWG report extensively in the development of the alternatives and geographic study areas in the HRA EIS. The HRA EIS Implementation Plan, dated June 1995, stated in response to public comments, that the "Working Group's report forms the basis for the future land-use alternatives".

Over one year ago, in September 1995, the regulators, the Hanford Advisory Board (HAB) and many other interested parties were advised, both orally and by letter, that DOE would develop and integrate the Comprehensive Land Use Plan into the NEPA process for the HRA EIS. Briefings were made to many groups including the tribes, and the full HAB in November 1995. Since then, a significant amount of cooperative work has been done on the data gathering, on the development of a single geographic information system, on the analysis of opportunities and constraints, and on joint public involvement on land use planning. The CLUP was developed for the HRA EIS in response to significant public comment. The HRA EIS is the NEPA document for the CLUP.

In response to the comments and ideas exchanged by the involved parties in these dialogues, DOE chose to defer the identification of a preferred alternative in the Draft HRA EIS. DOE did provide a draft CLUP, to show the results of the land use suitability analysis in the CLUP. DOE is seeking to involve the public in the development of the preferred alternative through

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ongoing dialogue with the interested parties and the formal public review and comment on the Draft HRA EIS. DOE will identify and consider the comments DOE receives on the Draft HRA EIS and will present a preferred alternative in the Final HRA EIS.

The ROD for the HRA EIS will adopt a CLUP and a preferred alternative for land uses to support future land use as DOE's general input to the CERCLA decision process. As you know, the U.S. Environmental Protection Agency can make more or less stringent decisions on cleanup standards based on the specific analysis for a site.

In general, it should be noted that:

- The HRA EIS is not intended to be used to make decisions with respect to remedies or cleanup levels for specific operable units (OU) [as the basis to direct cleanup activities]. DOE recognizes that these OU-Specific cleanup decisions will be made by the regulators using CERCLA and/or RCRA processes on a case-by-case basis.
- DOE does not intend to use the HRA EIS as the basis to reopen or revisit any of the existing Records of Decision that have been issued by the EPA.
- Since the HRA EIS scoping work was started in 1992, CERCLA RODs and related action memoranda have been issued and implemented for many of the 100, 300, and 1100 Area operable units at Hanford. The HRA EIS process does not attempt to make or revise the decisions in those documents. DOE recognizes that the early cost estimates and projected savings referenced in the Draft HRA EIS were probably high. These cost estimates were intended to bound the potential cost of cleanup.

DOE will try to state our intentions clearly throughout the remainder of the NEPA Process. DOE intends to focus the Final HRA EIS to support the adoption of a Comprehensive Land Use Plan that will guide DOE's management of Hanford lands and resources for as long as DOE remains the responsible federal agency for the management of the Hanford Site.

The current plan for public involvement and obtaining formal comments both orally and in writing for the HRA EIS and CLUP will be continued. We do not want to cancel or curtail the important opportunities around the region to obtain comments. In response to comments received to date, DOE has decided to extend the formal comment period to December 10, 1996. In addition, when the Final HRA EIS is issued stating the preferred alternative, we will offer an additional 45-day comment period. Comments received on the Final HRA EIS will be addressed in the ROD for the HRA EIS.

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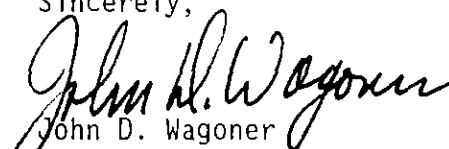
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Please bear the above in mind as DOE continues down the path for an open planning process and an open decision process. We are making substantial progress in cleaning up Hanford which will be accelerated as additional decisions are made under CERCLA and NEPA. We appreciate your seeking clarification of these issues and hope that this response will enhance the ongoing dialogue on the HRA EIS and CLUP.

If you have any questions, please call Lloyd Piper, Acting Deputy Manager, on (509) 376-6278.

Sincerely,


John D. Wagoner
Manager

EAP:PJK

cc: See attached distribution list

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